

1 IN THE UNITED STATES DISTRICT COURT.
2 FOR THE DISTRICT OF NEW JERSEY
3 CIVIL 02-2917 (JEI)

4 PATRICK BRADY, SALLY YOUNG,
5 HOWARD HOLLANDER, THEODORE CASE,
6 AND MICHAEL FINUCAN, individually
7 and on behalf of all others
8 similarly situated,
9 Plaintiffs,

10 V. VOLUME 20
11 TRIAL TRANSCRIPT

12 AIR LINE PILOTS ASSOCIATION,
13 Defendant.

14 CAMDEN, NEW JERSEY
15 JULY 13, 2011

16 B E F O R E: HONORABLE JOSEPH E. IRENAS
17 UNITED STATES DISTRICT JUDGE

18 A P P E A R A N C E S:

19 TRUJILLO, RODRIGUEZ & RICHARD
20 BY: NICOLE M. ACCHIONE, ESQ.
21 AND: LISA J. RODRIGUEZ, ESQ.
22 AND
23 GREEN JACOBSON, P.C.
24 BY: ALLEN PRESS, ESQ. (MO. BAR)
25 AND: JOE D. JACOBSON, ESQ. (MO. BAR)
For the Plaintiffs.

ARCHER GREINER
BY: STEVEN FRAM, ESQ.
AND
KATZ & RANZMAN
BY: DANIEL M. KATZ, ESQ.
FOR THE DEFENDANT AIR LINE PILOTS ASSOCIATION.

ELIZABETH GINSBURG, ESQ.
IN-HOUSE COUNSEL FOR ALPA.

1 Pursuant to Section 753 Title 28 United States
2 Code, the following transcript is certified to be an
3 accurate record as taken stenographically in the
4 above-entitled proceedings.

5 S/ LYNNE JOHNSON

6 Lynne Johnson, CSR, CM, CRR
7 Official Court Reporter
8
9
10
11
12
13
14
15
16

17 LYNNE JOHNSON, CSR, CM, CRR
18 OFFICIAL COURT REPORTER
19 UNITED STATES DISTRICT COURT
20 P.O. BOX 6822
21 LAWRENCEVILLE, NJ 08648.
22
23
24
25

1 THE COURT: Okay.

2 Ladies and gentlemen, we received our first note
3 from the jury, and it says, "Please send us a CD player."

4 It has been marked as joint exhibit C 7.

5 Before Lynne got here I discussed it with the
6 counsel, and everyone agreed that we could get a laptop
7 computer which they can use to play both the one CD which
8 apparently is in evidence, and also the two DVDs, which are
9 apparently in evidence.

10 And both parties agree that that was okay. Is that
11 still, have you changed your mind in the last two minutes?

12 MR. PRESS: No, your Honor.

13 MR. FRAM: That is fine with ALPA, your Honor.

14 THE COURT: Okay. Larry, bring the jury out.

15 By the way, would it be all right if our IT person
16 gives whatever instruction is necessary on the operation of
17 the programming and everything? ?.

18 MR. PRESS: Yes, Judge.

19 THE COURT: Is that okay.

20 MR. FRAM: Yes, of course, your Honor.

21 (Jury enters the courtroom at 8:57 a.m.)

22 THE COURT: One of the lawyers asked why I couldn't
23 answer your note with a note of my own. I said no, I want to
24 see them.

25 I got a note signed by the foreperson of the jury

1 that said please send us a CD player. What we are going to
2 do is have our IT department here send you up a laptop, which
3 you can use to play both the CD, and I think there are 2 DVDs
4 in evidence, as well, which you can use to play those. Both
5 will be playable.

6 Our IT person will give you whatever instruction
7 you on need on what program they are using to play those CDs,
8 and to play the DVDs I think there are two of those. The
9 answer is that will just take a few minutes and he will be
10 here with a lap top. He will show you how to use it. Is
11 that satisfactory to everybody?

12 THE JURORS: Yes.

13 THE COURT: Okay. Thank you.

14 And you can go back to work.

15 (Jury leaves the courtroom at 8:59 a.m.)

16 THE COURT: Good afternoon, everybody.

17 Please be seated. We have been advised the jury
18 has a verdict, and we are going to bring the jury in now.

19 (Jury enters the courtroom at 12:51 p.m.).

20 THE CLERK: Ladies and gentlemen of the jury when I
21 call your name, please respond by saying "here."

22 (Roll called, all jurors present).

23 THE CLERK: Will the foreperson please rise.

24 Has the jury reached a verdict?

25 THE FOREPERSON: Yes.

1 THE CLERK: Is the verdict unanimous?

2 THE FOREPERSON: Yes.

3 (Pause)

4 THE CLERK: In the matter of Patrick Brady, et al,
5 versus Air Line Pilots Association we the jury unanimously
6 find by a preponderance of the evidence:

7 Number 1: Did defendant Air Line Pilots
8 Association violate its duty of fair representation to the
9 TWA pilots?

10 THE FOREPERSON: Yes.

11 THE CLERK: Question number 2. Did defendant Air
12 Line Pilots Association violation of its duty of fair
13 representation directly cause injury to some of the TWA
14 pilots?

15 THE FOREPERSON: Yes.

16 THE COURT: Now, does anybody want the jury
17 polled?

18 MR. PRESS: No, your Honor.

19 MR. FRAM: Yes, please, your Honor.

20 THE COURT: I ask the clerk to please poll the
21 jury.

22 THE CLERK: Ladies and gentlemen of the jury, when
23 I call your name, please respond by saying either I agree or
24 I disagree with the unanimous verdict as rendered by your
25 foreperson.

1 (ALL JURORS ARE POLLED AND AGREE WITH THE VERDICT
2 AS READ BY THE FOREPERSON).

3 THE COURT: Okay. Ladies and gentlemen, first of
4 all, I have the date here. June 7 we started this, maybe it
5 was the day before when we picked the jury, June 6.

6 We started this, and it has been a long time, and I
7 very much appreciate the attention, the efforts you have
8 given, the fact that you are on time every morning, no small
9 achievement. I don't believe there was one day in five or
10 six weeks that even a single juror was five minutes late.

11 And that is quite an achievement.

12 So I thank you, and I thank you for your efforts.
13 It was important to our democracy that we have this system,
14 and I appreciate it very, very much.

15 Thank you.

16 Okay. All rise when the jury leaves.

17 (Jury leaves the courtroom at 12:56 p.m.)

18 THE COURT: Everybody please be seated.

19 Just for the future proceedings, I think we will
20 play out, there is going to be clearly a motion, in effect, a
21 motion by defendant. The rules set forth the time table.
22 And in fact, most of it has been done in a sense, already
23 made a record. I will decide that motion, and then, and this
24 is not the presage of what I am going to do, but if I deny
25 the motion, I will hold a conference promptly, immediately,

1 to set some form of discovery schedule for the damage phase.

2 And, obviously if I grant the motion, that would be a

3 different story. You will be at the beach before that.

4 Well, before I say that, I want to thank both, all
5 the law firms. I think there are four involved here, two on
6 each side, and the lawyers from those firms who participated
7 I think, given the intensity of feelings on this, and all the
8 lawyers acted very, very well, very respectful to the Court,
9 I think, everything they did was very much in the highest
10 traditions of the bar. And of the profession. And I very
11 much appreciate that because it may be the pressure of trying
12 the case day-to-day to day, not always a pleasant experience,
13 you made it a pleasant one for me, I enjoyed the experience
14 and I thank each of you for that, all of you. You conducted
15 yourselves in the highest traditions of the profession. I
16 thank you for that.

17 Now, anybody have any questions of me?

18 MR. PRESS: Nothing from the plaintiffs, Judge.

19 MR. FRAM: No. Thank you, your Honor.

20 THE COURT: Okay. Then the ball is going to be in
21 your court, Mr. Fram. You have the next move. I am not
22 going to hold a discovery conference until that motion is
23 briefed and decided.

24 Okay. So that will be the next step. Again, thank
25 you all, very, very much.

1 MS. RODRIGUEZ: Thank you, your Honor.

2 MR. PRESS: Thank you, your Honor.

3 (Adjourned at 1:05 p.m.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25